

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1220 of 1995

WITH

CIVIL APPLICATION NO.3202 OF 1995.

For Approval and Signature

THE HON'BLE MR. JUSTICE N. N. MATHUR.

1. Whether Reporters of Local Papers may be allowed to see the judgment ? No.
2. To be referred to the Reporter or not ? No.
3. Whether their Lordships wish to see the fair copy of judgment? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

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YO JAIN

Versus

GUJARAT INDUSTRIES TECHNOLOGY CONSULTANCY ORGANISA  
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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 11/03/96

ORAL JUDGMENT.

Civil Application No.3202/95 has been filed seeking direction against the respondent no.2 Dy. General Manager, The State Bank of India, to decide his application dated 20-11-1995 pending for grant of financial assistance.

In order to appreciate the relief prayed for in the Civil Application, I have gone through Special Civil Application No.1220 of 1995 in which this Civil Application has been filed. The prayer made in that Civil Application reads as follows:-

"5 (A) Hon'ble Court is prayed to direct the respondent no.1, to hand over me fill-uped loan application form which pending with them since 07/12/193 within a week time in the Court and may be restrained arbitrary and malafide view themselves, so that my project can be started as earlist and finally dispose of SCA 1213/91 may be possible in the interest of justice.

(B) The respondent 2 may be also directed to decide the fill-uped application form which will be hand over by the respondent no.1, after receiving 60 days time on its merits and without harassment which given in another loan application of 50,000/- to 2,00,000/- Rupees and pending in the Rural Court as Spl. Civil Suit No.247/94 various courts order and application as ann. 'C' will be amended if necessary."

It is apparent from the prayer made that the petitioner seeks direction against the respondent no.1 that Gujarat Industries Technology Consultancy Organisation Ltd. It is doubtful if the respondent no.1 Organisation is amenable to writ jurisdiction. Be that as it may be. In para 5(B) the petitioner has stated that the respondent no.2 be directed to fill up the application form which will be handed over by the respondent no.1. It further appears from the prayer made that earlier also the identical Special Civil Application was rejected and harassment was caused and therefore he has filed the suit claiming compensation for Rs.50,000/to 2,00,000/-. The petitioner wants to say that if this time they reject his application and any harassment is caused to him the respondents will have to face civil suit for damages.

Averments and prayer made in the petition are thoroughly confusing. The petition is misconceived. The petitioner has regular appearance, as party in person in this Court. He has not asked for any assistance from Legal Aid Cell. Therefore, this Special Civil Application as well as Civil Application are rejected.

The petitioner says that the documents filed with the application may be directed to be returned. If any

document has been filed along with the application by the petitioner, the same may be returned after observing necessary formalities. Rule made in Special Civil Application is discharged. In Civil Application, Notice is discharged.

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